

Delegated Report

Planning Reference 26/00075/TPO
Applicant Mr Andrew Parkin
Ward Hinckley Trinity



Application Site 8 Arguile Place, Hinckley

Proposal T1 (Ginkgo Biloba) – Pruning of the lateral crown spread to achieve a 1-1.5m clearance from the property. Arborist's discretion to establish the most suitable pruning points.

Case Officer Rudi Simpson (Technical Planning Assistant)

1. Recommendations

1.1. **Grant consent** subject to conditions at the end of this report

2. Planning Application Description

2.1. This application seeks consent for the pruning of the lateral crown spread of protected tree T1 (Ginkgo Biloba) to achieve a 1m to 1.5m clearance from the property at 8 Arguile Place, Hinckley. The proposed pruning points for the works would be at the arborist's discretion.

2.2. Originally, the proposal sought consent to reduce the height of the protected tree by a maximum of 3m, but the extent of the scheme was reduced following concerns raised by the Council's Arboricultural Officer that the originally proposed works would not represent responsible tree management.

3. Description of the Site and the Surrounding Area

3.1. This application relates to a Ginkgo Biloba Tree ('T1') located within the rear garden of 8 Arguile Place to the west of the application dwelling and located within the settlement boundary of Hinckley. The tree affected by the proposed work is protected under The Borough Council of Hinckley and Bosworth (Hinckley (The Valley Lodge, Hollycroft)) Tree Preservation Order No1 1989 (89/00014/TPORD).

4. Relevant Planning History

4.1 08/00292/TPO

- Works to Ginkgo Biloba
- Permitted
- 13.05.2008

5. Publicity

- 5.1 The application has been publicised by sending out letters to local residents. No responses have been received.

6. Consultation

- 6.1 Although the Council's Arboricultural Officer did not support the originally proposed works, the Arboricultural Officer confirmed that they did support the latest description of the proposed works for the pruning of the lateral crown spread to achieve a 1m to 1.5m clearance from the property. The Arboricultural Officer confirmed that an arborist's direction would be required for the most suitable pruning points. No further responses have been received.

7. Policy

- 7.1 Core Strategy (2009):

- No relevant policies.

- 7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design

- 7.3 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- National Design Guide (2019)
- Planning Practice Guidance (PPG)

8. Appraisal

- 8.1. The key issues in respect of this application are the impact of the proposal upon the amenity of the area, and whether the proposed works are justified

- 8.2 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

- 8.3 The affected tree is subject to a Tree Preservation Order and is therefore considered to have a high level of amenity value. The tree protection order (89/00014/TPORD) provides protection for several species of trees within the area marked (A1) and offers separate protection for two individually named trees. The Ginkgo Biloba tree subject to this application is situated to the rear of 8 Arguile Place, Hinckley within the area identified as A1.

- 8.4 Whilst there is minimal vegetation within the courtyard itself, the entrance to Arguile Place is lined with several mature Wellingtonia trees and the properties bounded by mature trees on all sides. Due to their size and position, each of the trees are considered to play an important part enhancing the character and appearance of the local area. The Ginkgo Biloba tree is visible from the courtyard within Arguile Place; however, it is largely screened from the view of the neighbouring streets due to the vast number of trees within the vicinity.
- 8.5 The Council's Arboricultural Officer has assessed the application and, after negotiation with the Applicant, supports the proposal to prune the lateral crown spread to achieve a 1m to 1.5m clearance from the adjacent property. The works would therefore be considered acceptable as part of ongoing sustainable tree management, provided they are carried out in accordance with BS 3998:2010.
- 8.6 By virtue of the above it is considered that the work would not have a significant impact upon public amenity and is therefore acceptable in accordance with Policy DM10 of the SADMP.

9. Equality Implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1 In conclusion, the proposed works would be considered to be acceptable and therefore in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 136 of the National Planning Policy Framework (2024), subject to the imposition of appropriate conditions.

11. Recommendation

- 11.1 **Grant consent** subject to conditions at the end of this report

11.2 Conditions and Reasons

1. The works to which this consent relates shall be completed within two years from the date of this consent.

Reason: To ensure that works are appropriate to the condition of the tree(s) at the time they are undertaken in accordance with the provision of the Town and Country Planning (Tree Preservation) Regulations 2012.

2. The approved works shall only be carried out in accordance with British Standards Recommendations for Tree work - BS 3998:2010.

Reason: To ensure that the works are carried out in a way that safeguards the health and amenity of the tree in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 136 of the National Planning Policy Framework (2024).

3. The proposed works to the Ginkgo Biloba (T1) shall be restricted to the pruning of the lateral crown spread to achieve a 1m to 1.5m clearance from the property using arborists discretion to establish the most suitable pruning points

Reason: To ensure that the works are carried out in a way that safeguards the health and amenity of the trees in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 136 of the National Planning Policy Framework (2024).

Notes to Applicant(s)

1. The Applicant is advised that the consent hereby granted is only valid for a period of two years commencing from the date permission is granted. The works for this consent may only be carried out once unless stated otherwise by condition.

2. This permission does not affect any private property rights and does not authorise the Applicant to carry out work on land outside of their control. The Applicant is therefore required to obtain the landowners consent prior to commencing any works.
3. It is a criminal offence to disturb or harm bats, or to damage, destroy, or obstruct a roost. Therefore, if the tree is mature and has hollow cavities, is covered with ivy, or has a suitable habitat in which bats may roost, the affected tree(s) should be surveyed for bats before any work is carried out.
4. The Wildlife and Countryside Act 1981 offers protection to wild birds, their eggs and nests. It is an offence for any person to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built or to take or destroy the egg of any wild bird. All works to trees should therefore done outside the nesting season (i.e. between the end of August and beginning March), unless carefully checked beforehand by a suitably qualified person. If nesting birds are present, work must be postponed until the young have left the nest.
5. You are advised that if the a tree in a conservation area is removed, uprooted or destroyed without permission, in contravention of Section 211 of the Town and Country Planning Act 1990, the landowner is placed under a duty to plant another tree of an appropriate size and species in the same or similar position as soon as they reasonably can.